| 1<br>2<br>3<br>4<br>5<br>6<br>7 | JOSEPH P. RUSSONIELLO (CSBN 44332) United States Attorney JOANN M. SWANSON (CSBN 88143) Chief, Civil Division CLAIRE T. CORMIER (CSBN 154364) JAMES A. SCHARF (CSBN 152171) Assistant United States Attorney 150 Almaden Blvd., Suite 900 San Jose, California 95113 Telephone: (408) 535-5082 FAX: (408) 535-5081 claire.cormier@usdoj.gov  Attorneys for United States of America | *E-Filed 3/26/10*  |
|---------------------------------|---|--|
| 8                               | UNITED STATES DISTRICT COURT  |  |
| 9                               | NORTHERN DISTRICT OF CALIFORNIA   |  |
| 10                              | SAN JOSE DIVISION   |  |
| 11                              |   |  |
| 12                              | KATHLEEN VENTIMIGLIA, individually, and as the Guardian Ad Litem  | ) No. 07-05481 RS  |
| 13                              | for STEPHÉN VENTIMILIA and KELLIE<br>VENTIMILIA,  | ) STIPULATION AND [PROPOSED]                               |
| 14<br>15                        | Plaintiffs,   | ORDER REASSIGNING CASE TO MAGISTRATE JUDGE HOWARD R. LLOYD |
| 16                              | v.  | )  |
| 17                              | UNITED STATES OF AMERICA, et al.,   | )<br>)   |
| 18                              | Defendants  | )<br>)   |
| 19                              | In accordance with the provisions of Title 28, U.S.C. Section 636(c), the parties to this   |  |
| 20                              | action, through their attorneys of record, hereby voluntarily consent to have United States   |  |
| 21                              | Magistrate Judge Howard R. Lloyd conduct any and all further proceedings in this case,  |  |
| 22                              | including trial, and order the entry of a final judgment. Appeal from the judgment shall be   |  |
| 23                              | taken directly to the United States Court of Appeals for the Ninth Circuit.   |  |
| 24                              |   | Respectfully submitted,                                    |
| 25                              | DATED: March 24, 2010   | CORSIGLIA, McMAHON & ALLARD LLP                            |
| 26                              |   | /s/ Bradley M. Corsiglia                                   |
| 27                              |   | BRADLEY M. CORSIGLIA                                       |
| 28                              |   | Attorneys for Plaintiffs                                   |
|                                 |   |  |

STIPULATION AND <del>[PROPOSED]</del> ORDER RE REASSIGNMENT Case No. 07-05481 RS

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| 1  | DATED: March 25, 2010   | JOSEPH P. RUSSONIELLO<br>United States Attorney   |
|----|---|---|
| 2  |   | /s/ Claire T. Cormier   |
| 3  |   | CLAIRE T. CORMIER <sup>1</sup> Assistant United States Attorney                                 |
| 4  |   | Tissistant Sinted States Theorney   |
| 5  | DATED: March 24, 2010   | EMERSON, COREY & SORENSEN   |
| 6  |   | /s/ James D. Emerson<br>JAMES D. EMERSON  |
| 7  |   | Attorneys for Defendant,  |
| 8  |   | Chamblin-Landes Construction, Inc.  |
| 9  | DATED: March 24, 2010   | SEVERSON & WERSON   |
| 10 |   | /s/ Austin B. Kenney  |
| 11 |   | AUSTIN B. KENNEY Attorneys for Defendant, WWD Corporation                                       |
| 12 |   | , ,   |
| 13 | DATED: March 24, 2010   | VAN DE POEL, LEVY & ALLEN, LLP  |
|    |   | /s/ Barbara L. Miller<br>BARBARA L. MILLER  |
| 14 |   | Attorneys for Defendant,  |
| 15 |   | Larry Spencer Construction  |
| 16 |   |   |
| 17 | <del>-[PROPOSED]</del> ORDER  |   |
| 18 | Upon stipulation of the parties, the Clerk of the Court is hereby ordered to reassign this      |   |
| 19 | case to Magistrate Judge Howard R. Lloyd. Counsel are instructed that all future filings are to |   |
| 20 | bear the initials HRL immediately after the case number.  |   |
| 21 |   |   |
| 22 |   |   |
|    | DATED: <u>3/26</u> , 2010   | PICHARD SEEDORG   |
| 23 |   | UNITED STATES DISTRICT COURT JUDGE  |
| 24 |   |   |
| 25 |   |   |
| 26 |   |   |
| 27 |   |   |
| 28 | <sup>1</sup> I, Claire T. Cormier, hereby attest signatures indicated by a "conformed" signa    | that I have on file all holographic signatures for any ture (/s/) within this e-filed document. |

STIPULATION AND <del>[PROPOSED]</del> ORDER RE REASSIGNMENT Case No. 07-05481 RS